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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------|-------------|----------------------|---------------------|------------------|
| 10/675,521 | 09/30/2003 | Loring Pickering | | 6104 |
| 7590 | 03/09/2004 | | EXAMINER | |
| LORING PICKERING | | | LEGESSE, NINI F | |
| 598 PARK BLVD | | | | |
| UKIAH, CA 95482 | | | ART UNIT | PAPER NUMBER |
| | | | 3711 | |

DATE MAILED: 03/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/675,521 | PICKERING ET AL. | |
| | Examiner | Art Unit | |
| | Nini F. Legesse | 3711 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 February 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachments(s)

| | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: on page 2, lines 13- 14, the expression "the game includes sticking a small ball with the head of a golf ball" is not clear. Do you mean the ball is to adhere to the head? On page 6, line 15 the expression 'the shaft a slight spring action" need to be changed to - - the shaft has a slight spring action - -. On page 7, line 3 both the shaft and the head are indicated as item 4. Appropriate correction is required.

It should be noted that the specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- In claim 1, line 3 the term "a standard golf club handle portion" is unclear. The specification does not define what Applicant considers to be "a standard golf club handle".

- In claim 3 line 2, the expression "can is constructed" is unclear. It appears that Applicant meant to say "can be constructed". However, the phrase "can be" renders the claim indefinite since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired.
- In claim 4, it is not clear if Applicant is intending to claim the golf ball. On line 7 the expression "golf ball where said golf ball" need to be changed to - - golf ball wherein said golf ball - -. And the phrase "such as" on line 7 renders the claim indefinite since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. **For purpose of examination examiner has assumed that the ball is not to be claimed.**

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Costello (US Patent No. 2,094,766) or Christle (US Patent No. 3,046,044) or Brock (US Patent No. 4,361,329).

Costello discloses a game appliance comprising:

- A handle portion (1);
- A shaft portion (see Fig. 1);

- A head portion (2);
- Wherein said head portion (2) is shaped like a concave hemispheric scoop (12);

Christle discloses a golf ball retrieving device comprising:

- A handle portion (see Fig. 1);
- A shaft portion (13,14,15);
- A head portion (10); and
- Wherein said head portion (10) is shaped like a concave hemispheric scoop See Figs. 1-3).

Brock discloses a golf club comprising:

- A handle portion (4);
- A shaft portion (2);
- A head portion (8); and
- Wherein said head portion (8) is shaped like a concave hemispheric scoop (31).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Christle in view of Hsieh (US Patent No. 5,976,030) or Richard (US Patent No. 6,679,785). Christle discloses the invention as recited above but fails to show internal threads on the handle portion and external thread on the shaft section. Both Hsieh and Richard disclose internal threads on the handle portion and external thread on the shaft section (With respect to Hsieh refer to item 21 for the threaded rod body that is fixed to the golf shaft and screw hole (11) that is part of handle/grip (1). With respect to Richard, refer to column 1, lines 58-61) it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Christle with threaded elements as taught by Hsieh or Richard in order to conveniently adjust the length of the golf club handle.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brock in view of Lee (US Patent No. 5,569,096). Brock discloses the invention as recited above but fails to show a bowed section on a shaft. Lee teaches an adjustable bow section on the shaft (40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a bow section that is adjustable as taught by Lee in the Brock device in order to provide a golf club with an adjustable lie angle.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nini F. Legesse whose telephone number is (703) 605-1233. The examiner can normally be reached on 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Garbe can be reached on (703) 308-1207. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NFL
02/27/04


Stephen P. Garbe
Primary Examiner